

Councilman Cecil Losee stated that it appeared to him that there were alot of bad circumstances, and that things were not clearly understood on either side. Councilman Losee MOVED not to revoke Mr. Christensen's license. Motion dyed for lack of second.

Councilman Tom Callister stated that he would like more time until the council made a decision or not.

Attorney Peterson suggested that the council adjourn the meeting until a later time, to discuss the decision of revoking the license of Mr. Ralph Christensen.

It was approved by the council that they would discuss the issue, at their next council meeting. Councilman Morrison made a MOTION that the Council decide on the decision at the next Council Meeting. MOTION SECONDED by Councilman Losee, and received unanimous approval of all councilmen present.

Attorney Johnson stated that on behalf of his client and himself, they appreciated the time that the council had taken to hear their comments.

Mayor Roper asked if there was any other items that needed to be discussed, there being none, a MOTION was made by Councilman Bird to adjourn the meeting. MOTION SECONDED by Councilman Callister, meeting adjourned at 12:49.

MINUTES OF A REGULAR COUNCIL MEETING HELD AUGUST 31, 1981

PRESENT:

Leland J. Roper	Mayor and presiding
Don Bird	Councilman
Thomas Callister	Councilman
Max Bennett	Councilman
Cecil Losee	Councilman
Willis Morrison	Councilman

OTHER PRESENT:

Neil Forster	Public Works Superintendent
Ray Valdez	City Building Inspector
John Quick	City Engineer
Dorothy Jeffery	City Recorder
Don Church	City Resident
Ralph Christensen	Christensen Const. Co.
Mrs. Ralph Christensen	Christensen Const. Co.
Roger Stowell	IPP Representative
Robert Harris	City Resident
Robyn Pearson	MICA
Steven Young	MICA
Jack Grayson	Grayson Construction
Gayle Bunker	Bunker and Son's Construction.
Gary Bunker	Bunker and Son's Construction.

AAH558

Mayor Roper, being present, called the meeting to order at 8:00 p.m.
Dorothy Jeffery, being present, acted as secretary.

The Mayor stated the meeting was a regularly called City Council meeting and that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided the Millard County Chronicle; the Millard County Gazette; and the local radio station KNAK and to each member of the governing body by mailing copies of the Notice and Agenda two (2) days before to each of them.

MINUTES

Proposed minutes of a Public Hearing which was held August 24, 1981 at 7:00 for the purpose of receiving public comment regarding the proposed annexation of Brown, Garrett & Myers Enterprises into the existing boundaries of the City of Delta, (Quin Shepherd Property) were presented for council's consideration of approval. Following a general discussion of the minutes, and the corrections made, Councilman Bird MOVED the minutes be approved as corrected, MOTION SECONDED by Councilman Losee and received the unanimous affirmative vote of all councilmen present.

Mayor Roper informed council the minutes of a Regular Council Meeting held August 24, and the minutes of a Special City Council Meeting held August 27, 1981 at the Millard School District Offices, were not typed and would be presented at the next city council meeting for consideration of council's approval.

DECISION ON THE REVOCATION OF OF RALPH CHRISTENSEN CONSTRUCTION COMPANY'S DELTA CITY 1981 BUSINESS LICENSE

Mayor Roper stated at this time the council may make a decision on whether or not they wish to revoke the 1981 Delta City Business License issued to Ralph Christensen Construction Company. In our attorney's opinion, which is different than the one we got out of the last meeting, it is spelled out in section 52-4-5, Utah Code Annotated (1953) Provides:

A closed meeting may be held upon the affirmative vote of two-thirds of the members of a public body present at an open meeting for which notice is given pursuant to Section 52-4-6; provided, a quorum is present. No closed meeting is allowed except as to matters exempted under Section 52-4-5, provided, no ordinance, resolution, rules, regulation, contract or appointment shall be approved at a closed meeting. The reasons for holding a closed meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member shall be entered on the minutes of the meeting.

Section 52-4-5 provides in part:

1. A closed meeting may be held pursuant to Section 52-4-4 for any of the following purposes:
 - (a). Discussion of the character, professional competence, or physical or mental health of an individual.

the Mayor further stated that only those councilmen that had been in attendance at the Public Hearing, held August 27, 1981, regarding the revocation of Ralph Christensen Construction Company's Delta City Business License, can go into the closed meeting, with the Delta City Recorder to take minutes of the closed session, and only those councilmen involved in the closed session are eligible to vote

on the decision of the revocation of the license.

Following a brief discussion of the aforementioned issue, it was the opinion of the council there was no need to go into a closed meeting.

Councilman Callister MOVED Delta City not revoke the 1981 Delta City Business License issued to Ralph Christensen Construction Company, MOTION SECONDED by Councilman Losee, voting was as follows:

Councilman Don Bird	No
Councilman Thomas Callister	Yea
Councilman Cecil Losee	Yea
Councilman Willis Morrison	No

Councilman Callister stated that because of the two (2) yes votes and the two (2) no votes he would MOVE council go into a closed session to discuss the revocation of the license, MOTION SECONDED by Councilman Morrison voting was as follows:

Councilman Don Bird	Yea
Councilman Thomas Callister	Yea
Councilman Losee	Yea
Councilman Willis Morrison	Yea

The Councilmen mentioned above and the City Recorder retired to the Mayor's office behind closed doors for the closed session at 8:14 p.m.

At 8:47 p.m. the council reconvened to Regular Council Open Meeting.

Councilman Bird explained he had chaired the closed session and then made the following remarks:

1. If this license were to be revoked, there is no time limit or clause that states that you can't reapply for another Delta City Business License.
2. The City Council understands that there were some problems on both the side of the City and the contractor, Ralph Christensen, regarding the procedures to be followed.
3. There are a few things that need to be stated about the application of a general contractor, one of them is that the general contractor is responsible for all building permits, that does not mean that he has to purchase the permit it just means that it is his responsibility to see to it that the permit is in place prior to any construction being started on the project.
4. The next thing is that public safety is of equal importance, I refer to the trench mentioned in the hearing held August 27th. We as a council feel there was some negligents along those lines on your part as the general contractor for the project.

AAH558

Following the above statement, Councilman Bird turned the meeting back to the Mayor.

Mayor Roper informed council he had spoken to our legal council and been advised that if they had a different vote the council needs to reconsider your previous action, Mayor then asked if that was necessary. Councilman Bird told him it was.

Mayor Roper entertained a motion to reconsider the previous vote regarding the revocation of the 1981 Delta City Business License issued to Ralph Christensen Construction Co.

Councilman Morrison MOVED the council reconsider the previous council action concerning the revocation of the 1981 Delta City Business License issued to Ralph Christensen Const. MOTION SECONDED by Councilman Bird, the motion recieved the unanimous affirmative vote of all councilmen present.

Councilman Morrison MOVED the 1981 Delta City Business License issued to Ralph Christensen Construction Company be revoked but with no time restriction as to the reapplication for another Delta City Business License, MOTION SECONDED by Councilman Bird, voting was as follows:

Councilman Don Bird	Yes
Councilman Callister	Yes
Councilman Cecil Losee	No
Councilman Willis Morrison	Yes

The vote of three (3) to one (1) carries.

CONSIDERATION FOR COUNCIL'S APPROVAL OF ADOPTION OF THE PROPOSED DELTA CITY ZONING ORDINANCE No. 81-26.

Mayor Roper presented copies of the proposed Delta City Zoning Ordinance #81-26, for the council's review and comment.

There was a discussion of the changes that had been made to the ordinance afterwhich Councilman Morrison MOVED the council adopt Delta City Zoning Ordinance #81-26, MOTION SECONDED by Councilman Callister, voting was as follows:

Councilman Don Bird	Yea
Councilman Max Bennett	Yea
Councilman Thomas Callister	Yea
Councilman Cecil Losee	Yea
Councilman Willis Morrison	Yea

The Delta City Zoning Ordinance #81-26 was then signed by the Mayor of Delta City, Leland J. Roper, in open meeting and accepted by the City Recorder, Dorothy Jeffery, as part of the official records of the City of Delta. Copies of the Ordinance #81-26 are on file in the office of the City Recorder for public review.

ESTABLISH A PUBLIC HEARING DATE FOR THE PROPOSED ANNEXATION OF BUNKER AND SON'S BUNKER HILL ESTATES (property just West of the Delta City Cemetary and North of the Quin Shepherd Farms).

Mayro Roper read the following letter from the Planning and Zoning Commission, dated May 13, 1981, received by the Delta City Council:

Delta City Council:
Delta, Utah

By a unanimous vote at the Planning & Zoning Meeting held Wednesday, May 13, 1981, the Zoning Committee recommended that the Delta City Council approve the Petition for Annexation into the corporate limits of Delta City the proposed North View Subdivision, (Gayle, Gary and Clyde Bunker) Robert Harris Property, Quin Shepherd Property, Arnold Shields Property, Terri Shields Property and Deb Shields Property under the criteria that follows under the same guidelines as the property of Rex Day and Bill Brown, Mitch Myers and Bill Garrett.

Sincerely,

Don Dafoe, Chairman of Planning and Zoning.

Following a detailed discussion of the proposed annexation, Councilman Max Bennett MOVED a Public Hearing be scheduled on September 28, 1981 at 7:00 p.m. in the Delta City Offices regarding the proposed annexation of the aforementioned properties, MOTION SECONDED by Councilman Callister and received the unanimous affirmative vote of all councilmen present.

DISCUSSION OF THE REX DAY SEWER GUARANTEE

Mayor Roper explained that the "Letter of Credit" that Delta City was expecting to receive regarding the Rex Day sewer, was not received, the City recieved instead, a resolution from the IPA Board that they had applied for it but the words is that the bank they use does not issue letter of credit.

Mayor Roper stated there are two (2) other options, one is a Letter of Credit from another bank and the second one is a trust deed.

There was a detailed discussion of the issue at which time it was stated that Rex Day had to have his project hooked up to the sewer by August 1983.

Following the discussion of the issue Councilman Bird MOVED council instruct Mayor Roper to request a negotiable letter of credit as a first alternative and the last alternative would be a performance bond in place some six (6) months prior to the August 83 date. MOTION SECONDED by Councilman Losee and motion carried.

OTHER BUSINESS

1. Mayor informed council, Jay Covington had met with Clair B. Empey, owner of a cable T.V. Company and he requested he be allowed to present his company to the council.

AAH558

84

it was the opinion of the council the franchise had been given to Acton T.V. and Delta City was not large enough to support two (2) cable T.V. companies.

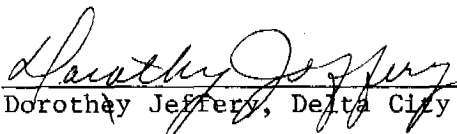
2. Mayor Roper told council he had received a Formal Hearing Notice from the Department of Business Regulation, Department of Contractors, in the matter of complaint #81-420 - Delta City VS Ralph J. Christensen - Construction. The hearing will be held September 15, 1981 at 1:30 p.m. in the office of the Department of Contractors in Salt Lake City.

Councilman Bird MOVED that Delta City has taken action regarding Mr. Christensen and need not go with any further action, MOTION SECONDED by Councilman Callister and motion carried.

3. Mayor Roper informed council of a breakfast meeting with the IPA Board at 8:00 a.m. and Delta City at the City Cafe on Friday, September 04, 1981. Also there is scheduled a public meeting at the Delta High School on Thursday, September 03, 1981 at 7:30 p.m.
4. Jack Grayson asked what the status of sewer services outside the City Limits were. Mr. Garyson was told at the present time services were not being offered outside of the City Limits.

Mayor Roper asked if there was any further business or comments, there being none, Councilman Bennett MOVED the meeting be adjourned, MOTION SECONDED by Councilman Don Bird, meeting adjourned at 9:40 p.m.


Leland J. Roper, Mayor


Dorothy Jeffery, Delta City Recorder

MINUTES OF A REGULAR COUNCIL MEETING HELD SEPTEMBER 14, 1981.

Page 1.

PRESENT:

Leland J. Roper
Max Bennett
Willis Morrison
Cecil Losee
Don Bird

Mayor and Presiding
Councilman
Councilman
Councilman
Councilman